

BOARD OF APPEALS CASE NO. 5202

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BEFORE THE

APPLICANTS: Kevin & Angela Williams

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ZONING HEARING EXAMINER

**REQUEST: Variance to locate a sunroom within
the required rear yard setback; 3246 Meadow
Valley Drive, Abingdon**

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OF HARFORD COUNTY

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Hearing Advertised

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Aegis: 11/28/01 & 12/5/01

HEARING DATE: January 23, 2002

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Record: 11/30/01 & 12/7/01

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ZONING HEARING EXAMINER'S DECISION

The Applicants, Kevin and Angela Williams, are seeking a variance, pursuant to Section 267-36B, Table VII, of the Harford County Code, to allow a sunroom within the 30 foot rear yard setback (28 feet proposed) in an R4/PRD District.

The subject parcel is located at 3246 Meadow Valley Drive in the subdivision of Box Hill South. The parcel is more particularly identified on Tax map 61, Grid 2F, Parcel 448, Lot 41. The parcel consists of 0.18± acres, is zoned R4/PRD and is entirely within the Third Election District.

Mr. Kevin Williams appeared and testified that his property backs up to an area designated as open space. There are no houses immediately to the rear of his home as the open space runs from his property line to a forest stand and stream located rearward of his parcel. He has an existing deck to the rear of his home that is 30 feet by 12 feet in dimension. He plans to enclose a 14 foot by 12 foot section of the existing deck as a sunroom for year round living space. The appearance of the existing home will be maintained with matching siding and roof materials. The Applicant believed his property was unique because of its size and the existence of a large tract of open space to the rear. The Applicant did not feel that any adverse impacts to neighboring properties would result from the proposed enclosure.

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Mr. Anthony McClune appeared and testified for the Department of Planning and Zoning. Mr. McClune indicated that the Department recommended approval of the request. There is a large area of open space behind the Applicant's home. This open space provides more than adequate buffer to the rear of the Applicant's home and a two foot encroachment into the setback should not result in any adverse impacts to any other properties or persons. The placement of the house abutting such a large tract of open space is somewhat unique and justifies the request according to the department. Mr. McClune stated that such enclosures are commonly found throughout Harford County and this enclosure is not unlike others.

CONCLUSION:

The Applicants, Kevin and Angela Williams, are seeking a variance, pursuant to Section 267-36B, Table VII, of the Harford County Code, to allow a sun room within the 30 foot rear yard setback (28 feet proposed) in an R4/PRD District.

The Harford County Code, pursuant to 267-11 permits variances and provides:

"Variances from the provisions or requirements of this Code may be granted if the Board finds that:

- (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Code would result in practical difficulty or unreasonable hardship.
- (2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Code or the public interest."

The Hearing Examiner finds that the subject property has sufficient topographical uniqueness to justify approval of the request. The encroachment is very minimal and should not result in any adverse impacts to neighboring properties nor will the purpose of the zoning ordinance be materially impaired by approval of this request.

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The Hearing Examiner recommends approval of the request subject to the following:

1. The Applicant obtain any and all necessary permits and inspection.
2. That no further encroachment into the setback be allowed.

Date: FEBRUARY 25, 2002

William F. Casey
Zoning Hearing Examiner